

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 176 OF 2006

Shaukatali Ismail Ghaswala.] .. Petitioner

Versus

1. Bombay Municipal Corporation & Anr.] .. Respondents

Mr. A.C. Singh i/b D.R. Shah for the petitioner.

Ms. T.H. Puranik for the respondent No.1..

Mr. B.P. Shukla for the respondent No.2.

Mr. A.R. Patil, Assistant Engineer, P/S Ward
(Buildings & Factory) of respondent No.1 present.

**CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.**

DATED: 22ND MARCH, 2006

P.C. :

. The Petition has been filed on the ground that in spite of the Show Cause Notice, illegal constructions have been done by the private respondents. Considering the photographs shown, the learned counsel for the Corporation was asked to keep the Officer present. The Corporation has issued a letter dated 4th August, 2005 to the private respondents setting out that there has been compliance of the Notice dated 23rd December, 2003.

Mr. A.R. Patil, Assistant Engineer P/S/ Ward

(Buildings & Factory) of the Corporation, who is present in Court, states that on 18th March, 2006, the site had been visited and that there has been compliance. On behalf of private respondents, learned counsel points out that there was one girder left which should also be removed by the Corporation.

2. On behalf of the petitioner, learned counsel states that there are still illegalities.

3. Considering the above, as the issue pertains to disputed questions of facts, it will not be open for this Court to exercise its extra ordinary jurisdiction. It will be open to the petitioner to take such steps in law which he is entitled to after observing due procedure.

4. With the above observations, Writ Petition stands disposed of.

Sd/-
[F.I. REBELLO, J.]

Sd/-
[ANOOB V. MOHTA, J.]